

Compliance with Applicable Federal and State Laws, Executive Orders, and other Regulations

In implementing any of the alternatives that included NPS involvement (Alternatives 2-5), the NPS would comply with all applicable laws and executive orders, including those listed below. Formal and informal consultation with the appropriate federal, state, and local agencies has been conducted in the preparation of this document. Results of these consultations are described below.

American Indian Religious Freedom Act, 1978: This act declared the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise their traditional religions, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rights. Federal purchase of land is not provided for in any of the alternatives. None of the alternatives presented would limit the rights that are currently available to American Indians.

Notification letters were sent to tribes that have or may have a cultural affiliation with the Loess Hills on April 3, 2000, and again on January 16, 2001. These letters invited tribal participation in the study evaluation and identified methods to participate. Consultation with the Otoe-Missouria Tribe of Oklahoma and the Winnebago Tribe of Nebraska occurred on 4/11/2001 and 4/25/2001, respectively. These tribes indicated a desire to participate as advisors if and when comprehensive plans are developed. American Indians with cultural affiliation to the Loess Hills would be meaningfully involved in ongoing decisions regarding planning, interpretation, and resource management for alternatives that result in direct federal involvement.

Clean Air Act (including 1990 amendments): Section II 8 of the Clean Air Act, as amended, requires all federal facilities to comply with federal, state, and local air pollution control laws and regulations. Under the Clean Air Act, federal actions must conform to all applicable state implementation plan requirements and purposes, and these actions must not cause or contribute to any violation. Because none of the management alternatives prescribe specific actions for the development of land or natural and cultural resources within the Loess Hills, air quality would not be affected. Development projects that involve federal funding or staff would be subject to review for compliance with this act.

Clean Water Act of 1972, as amended: The purposes of the Clear Water Act are to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters". To enact this goal, the U.S. Army Corps of Engineers has been charged with evaluating federal actions that result in potential degradation of waters of the U.S. and issuing permits for actions consistent with the act. Because none of the management alternative prescribes

specific actions for the development within the Loess Hills, water resources will not be affected. Development projects that involve federal funding or staff would be subject to review for compliance with this act.

Endangered Species Act: The Endangered Species Act of 1973, as amended, requires federal agencies to protect federally listed species and their habitats and requires federal agencies to consult with the U.S. Fish and Wildlife Service if their activities may affect listed species. The U.S. Fish and Wildlife Service was contacted on May 8, 2001 and indicated that no formal consultation was necessary as this project was only a study (Mr. G. Bade, personal communication). As such, the National Park Service has met the requirements of the Endangered Species Act of 1973. However, if any of the management concepts are implemented, further consultation will become necessary.

Environmental Justice: Executive Orders 12250, 12898, and 12948 require agencies to consider the impact of their actions on disadvantaged human populations. The alternatives presented in this SRS/EA would have no such adverse effect. The alternatives would not result in any known effect, positive or negative, specific to any minority or low-income community. People of all races and income status have had opportunities to participate in the public involvement processes conducted with this plan. Notification and/or Consultations were conducted with American Indian tribes that may have an interest in the Loess Hills area; no adverse effects were identified that disproportionately affect these groups.

Farmlands Protection Policy Act of 1984: The purpose of the Farmland Protection Policy Act is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that, to the extent practicable, will be compatible with State, unit of local government, and private property programs and policies to protect farmland. Development projects that involve federal funding or staff would be subject to review for compliance with this act. If the protective efforts of Alternatives 2-5 prove successful, they would further the purposes of the Act.

National Historic Preservation Act of 1966, as amended through 1992: Section 106 of this act requires that impacts to significant historic or archeological resources be considered during planning for actions that are undertaken by the federal government, or are federally funded or assisted, or are federally permitted or licensed. This requires consultation with the appropriate State Historic Preservation Officer and often involves affording the Advisory Council on Historic Preservation an opportunity to comment on the proposed action. Because none of the management alternatives prescribe specific actions of this nature for the development or management of land within the Loess Hills, historic and archeological resources are not directly affected. However, development projects that involve federal funds, assistance, or permits/licenses would be subject to review for compliance with this act.

Section 110(f) of the act requires that Federal agencies exercise a higher standard of care when considering undertakings that may directly and adversely affect NHLs. The law requires those agencies "to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmarks." Consultation with the

Iowa State Historic Preservation Office (SHPO) was completed on June 13, 2001. The Special Resource Study and management alternatives were determined to have no adverse effect on Historic Properties; therefore this study is in compliance with Section 110(f) of the Historic Preservation Act. If and when a Comprehensive Plan is developed, future consultations with the Iowa SHPO office may be required.

Public Health and Safety: Neither of the alternatives would result in positive or negative impacts to public health or safety. Implementation of any of the management options would necessarily comply with state and federal regulations, including laws pertaining to public health and safety.

Wetlands/Floodplains: Executive Order 11990 ("Protection of Wetlands") requires that all federal agencies must avoid, where possible, impacts on wetlands and Executive Order 11988 ("Floodplains Management") requires all federal agencies to avoid construction within the 100-year floodplain unless no other practicable alternative exists. It is impossible to identify potential impacts on wetlands because no concept specifies a development location. If and when development sites are selected, a wetland determination would be conducted and an analysis of potential impacts, if any, on wetlands would be completed to fulfill additional compliance needs. This study has fulfilled the requirements of Executive Orders (EOs) 11990 and 11988. Development projects that involve federal funding or staff would be subject to review for compliance with these two EOs.

Public Involvement Process

Public meetings were held in the seven-county study area during the week of February 28, 2000, and a public workshop was held on May 12, 2000, to inform the public of the project and gather input. During the week of November 13, 2000, additional workshops were held to solicit public input, respond to questions, identify issues and concerns, and document viable management alternatives (Appendix E). Subsequent discussions and meetings were held to evaluate NPS designations as well as other viable approaches to preservation. Newsletters about the project and management alternatives and inviting the public to comment were distributed to over 4,000 residents in the study area and within Iowa in May 2000, October, 2000 and January 2001.

As part of the Council on Environmental Quality Regulations on the National Environmental Policy Act, the National Park Service is making the draft Special Resource Study/Environmental Assessment available for public review for 30 days. Any revisions to the draft will be based on substantive public input and on evolving knowledge about the Loess Hills and its resources. Substantive comments are defined as comments that: (a) question the accuracy of information, (b) question the adequacy of environmental analysis, (c) present reasonable alternatives other than those presented in the document, or (d) cause changes or revisions in the proposal.

